

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK YAMAZAKI et al.

Serial No.: 10/711,499

Group Art Unit: 2838

Examiner: Aaron C. Piggush

Filed: September 22, 2004

For: **METHOD FOR CONTROLLING CHARGING OF A POWER
SOURCE OF A HYBRID VEHICLE**

Attorney Docket No.: 81102778 (FMC 1781 PUS)

**RESPONSE TO NOTICE OF
NON-COMPLIANT APPEAL BRIEF**

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Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Notice mailed March 19, 2009. Applicants respectfully believe that the Appeal Brief submitted on February 23, 2009 is fully compliant with 37 C.F.R. §41.37 and therefore no correction to the Appeal Brief is required.

The Notice stated that the Summary of Claimed Subject Matter section of the Appeal Brief failed to argue independent claims 1, 13 and 17 separately. This statement is clear error. Claim 1 is presented in the paragraph beginning at the bottom of page 2. Claim 13 is presented in a separate paragraph beginning at the top of page 3. Claim 17 is presented in a separate paragraph beginning in the middle of page 3. Each paragraph explicitly references its associated independent claim by number. In addition, each paragraph explicitly references its associated drawings, reference numbers, and specification paragraphs in accordance with the designations made by the United States Patent and Trademark Office when the original patent application was electronically filed. Applicants also note that this Summary section has been used in two previous Appeal Briefs without remark.

Accordingly, Applicants believe that the Appeal Brief fully complies with 37 C.F.R. §41.37, and in particular with 37 C.F.R. §41.37 (c)(1)(iv), and request that the Appeal Brief be advanced without delay.

Respectfully submitted,
MARK YAMAZAKI et al.

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